IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 13TH NOVEMBER 2006 / 22ND KARTHIKA 1928

WP(C).No. 4522 of 2006(L)

PETITIONER:

NEYYATTINKARA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE,
NEYYATTINKARA.

BY ADV. SRI.G.SUDHEER KARAKONAM

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, LOCAL SELF
GOVERNMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. JOHN CHRISTOPHER, S/O.LAZER NADAR,
I.P.C.SHALEM HOUSE, KAKKAMOOLA DESOM,
KALLIYOOR VILLAGE, NEYYATTINKARA.

3. PUSHPAM, D/O.RETNADEEPAM,
I.P.C.SHALEM HOUSE, KAKKAMOOLA DESOM,
KALLIYOOR VILLAGE, NEYYATTINKARA.

BY ADV. SRI.R.T.PRADEEP
SRI.V.VIJULAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/11/2006,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 4522/2006

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE PLAINT AS OS NO.181/2004 DT.11.3.04 BEFORE THE MUNSIFF COURT, NEYYATTINKARA.

EXT.P2 : TRUE COPY OF WRITTEN STATEMENT FILED BY DEFENDANT IN OS NO.181/2004 DT.22.5.04.

EXT.P3 : TRUE COPY OF RE-AUCTION NOTICE DT.28.6.05 ISSUED BY THE PETITIONER.

EXT.P4 : TRUE COPY OF APPEAL AS APPEAL NO.666/2005 DT.25.7.05 BEFORE THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS.

EXT.P5 : TRUE COPY OF WRITTEN STATEMENT FILED BY THE DEFEDANT IN APPEAL NO.666/2005 BEFORE THE TRIBUNAL FOR LOCAL SELF GOVT. INSTITUTIONS DT.5.9.05.

EXT.P6 : TRUE COPY OF ORDER DT.24.11.05 IN APPEAL NO.66/2005 PASSED BY THE TRIBUNAL FOR LOCAL SELF GOVT. INSTITUTIONS.

EXT.P7 : TRUE COPY OF LAWYER'S NOTICE DT.27.3.03 SENT BY ADVOCATE HARI GOPAL TO THE PETITIONER.

EXT.P8 : TRUE COPY OF REPLY SENT BY THE PETITIONER TO ADVOCATE R. HARIGOPAL DT.26.4.03.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 4522 OF 2006

Dated this the 13th day of November, 2006

JUDGMENT

The apprehension of the Neyyattinkara Municipality the petitioner in this Writ Petition is that the finding of the Tribunal for Local Self Government Institutions in Ext.P6 order that the Municipality has admitted in Ext.P8 reply notice that the property is in the possession of the appellants in that case will cause prejudice to the contentions raised by the Municipality in Ext.P1 suit filed by respondent Nos. 2 and 3 before the Neyyattinkara Munsiff's Court. The petitioner need not have any such apprehensions. The Munsiff's Court, Neyyattinkara will dispose of Ext.P1 suit on the basis of the evidence adduced by the parties in relation to the issues which have been formulated for trial in that suit. That Court will not be unduly influenced by the observations or findings made by the Tribunal in the context of the apparent admissions in Ext.P8.

The Writ Petition is disposed of as above. No costs.

PIUS C. KURIAKOSE, JUDGE

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